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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JAMES BIRD,

Plaintiff,

V.

KEEFE KAPLAN MARITIME, INC.; AND ERIC KOSTER, D/B/A J&H MARINE, A SOLE PROPRIETORSHIP.

Defendants.

No. 3:14-cv-03277-MEJ

**JOINT SUPPLEMENTAL BRIEF
RE: MOTION TO COMPEL JOINDER

AND MOTION TO CONTINUE

AND ORDER GRANTING
CONTINUANCE**

1. INTRODUCTION

On January 29, 2015, the Court ordered the parties to confer and file a joint report on the identity and citizenship of all Underwriters and Names at Lloyd’s of London Subscribing through Premier Marine Insurance Group (USA) (“Underwriters”—Plaintiff’s insurers—to determine whether joining the Underwriters as parties to this lawsuit would destroy the Court’s diversity jurisdiction. Dkt. 25. Underwriters’ counsel identified today that two Underwriters were California residents during the relevant policy period.

1 Plaintiff conferred with counsel for Keefe Kaplan Maritime, Inc.'s ("KKMI"), and we jointly
 2 request in the Court permit an additional time to prepare a joint report so that the parties are able to
 3 research the applicable time period to measure the Underwriters' residency for determining whether
 4 diversity exists.

5 **II. FACTUAL STATEMENT**

6 On Monday, February 9, 2015, Plaintiff's counsel and counsel for KKMI conferred via telephone
 7 regarding the status and procedure to obtain the information requested by the Court. The parties
 8 discussed that Premier's counsel, Christopher Nicoll, is the best resource to determine the identities and
 9 citizenships of each Underwriter. At that time, Plaintiff's counsel had already contacted Mr. Nicoll to
 10 obtain the requested information. Today Mr. Nicoll provided a declaration regarding his progress. It is
 11 filed contemporaneously with this brief. Mr. Nicoll believes that no Underwriters reside in California as
 12 of today's date. Declaration of Christopher Nicoll ¶ 5. We do know, however, that two of the
 13 Underwriters were residents of California during the applicable policy period. *Id.*

14 **III. MOTION TO CONTINUE**

15 Because Plaintiff received Mr. Nicoll's declaration today, the same date the Court requested a
 16 joint report from counsel, the parties have been unable to fully research the proper time period when
 17 diversity is established for jurisdictional purposes.

18 The parties request that the Court permit the parties to provide a joint report or additional
 19 briefing no later than February 19, 2015, so that the parties have time to research and provide
 20 supplemental briefing regarding the applicable time period in which diversity is established for
 21 jurisdictional purposes.

1 DATED this 12th day of February, 2015.

2 KELLER ROHRBACK L.L.P.

3

4 By /s/ Kathryn M. Knudsen

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19 By: /s/ Mitchell S. Griffin

20 Mitchell S. Griffin (SBN 114881)

21 Attorney for Defendant Keefe Kaplan Maritime, Inc.

IV. ORDER

Good cause appearing, the parties' time in which to file a joint report or supplemental briefing pursuant to the Court's January 29, 2015 Order (Docket No. 25) is extended up to and including February 19, 2015.

IT IS SO ORDERED.

Dated this 17 day of February, 2015.



MARIA-ELENA JAMES
United States Magistrate Judge

The parties are admonished that in the future if such a request is needed that they should file a separate request and proposed order and not include it in a brief and should be reminded of sending such a request in a more timely manner. The motion remains on calendar for March 5, 2015 at 10:00 a.m.

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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record and provide service via electronic mail or U.S. Mail to:

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